

# State of Louisiana

The seal of the State of Louisiana is centered between the words "State of" and "Louisiana". It features an eagle with its wings spread, perched on a shield. Below the shield is a banner with the words "UNION JUSTICE AND CONFIDENCE".

July 14, 2005

Mr. Alfred W. Speer  
Clerk of the House of Representatives  
State Capitol  
Baton Rouge, Louisiana 70804

Mr. Glenn Koepp  
Secretary of the Senate  
State Capitol  
Baton Rouge, Louisiana 70804

RE: House Bill No. 1 of the 2005 Regular Session of the Legislature  
An Act making appropriations for the ordinary expenses of the executive branch of state government, pensions, public schools, public roads, public charities, and state institutions and providing with respect to the expenditure of said appropriations.

Dear Gentlemen:

As authorized by Article III, Section 18(B), and more particularly, Article IV, Section 5(G)(1) of the Constitution of Louisiana, I have exercised my right to veto 20 items or provisions of the General Appropriation Bill.

**VETO MESSAGE NO. 1:**

Page 34, Lines 43 through 45

This amendment provides \$50,000 payable out of state general fund to the Museum and Other Operations Program for the Tupper Museum in Jennings as pass-through funding. The Tupper Museum is operated by local government and the Secretary of State does not have jurisdiction over the museum. Funding was not requested by the Secretary of State and there is no explanation regarding how funding will be utilized. For these reasons, I am vetoing this amendment.

**VETO MESSAGE NO. 2:**

Page 35, Lines 17 through 20

This amendment provides \$60,000 payable out of state general fund and increases the Table of Organization in the Museum and Other Program by one unclassified position at the Louisiana State Oil and Gas Museum. The position was not requested by the Secretary of State and there was no justification regarding the need for this position. This amendment increases the number of positions in state government which conflicts with the goal of the administration to minimize the growth of state government. Therefore, I am vetoing this amendment.

Mr. Speer and Mr. Koepp

**VETO MESSAGE NO. 3:**

Page 35, Lines 28 through 31

This amendment provides \$34,228 payable out of state general fund and increases the Table of Organization in the Museum and Other Program by two positions at the Louisiana State Exhibit Museum. The positions were not requested by the Secretary of State and there was no justification regarding the need for these positions. This amendment increases the number of positions in state government which conflicts with the goal of the administration to minimize the growth of state government. Therefore, I am vetoing this amendment.

**VETO MESSAGE NO. 4:**

Page 36, Lines 5 through 7

This amendment provides \$10,000 payable out of state general fund to the Museum and Other Operations Program for the Louisiana Military Museum in Ruston. This amendment provides excess funding for operational expenses of this museum. Adequate funding has already been provided to cover the necessary costs. For these reasons, I am vetoing this amendment.

**VETO MESSAGE NO. 5:**

Page 52, Lines 48 through 50

This amendment provides \$50,000 in state general fund to the Office of Business Development for HTV-Channel 10 for the Write-On Program. The state of Louisiana has a Music Commission which is dedicated to promoting and developing Louisiana's popular and commercial music and related industries to produce the highest possible economic and cultural benefit for the people of Louisiana. Therefore, this amendment would be a duplication of effort due to funding provided to the Louisiana Music Commission. For this reason, I am vetoing this amendment.

**VETO MESSAGE NO. 6:**

Page 53, Lines 4 through 6

This amendment provides \$126,000 in state general fund to the Office of Business Development for the Northeast Louisiana Film and Video Commission. The state of Louisiana has the Office of Film & Television Development within the Department of Economic Development which is dedicated to encouraging the development of a strong capital base for motion picture and television productions, in order to achieve a more independent, self-supporting industry throughout the state of Louisiana. Due to the funding already provided to the Department of Economic Development's Office of Film & Television Development, I am vetoing this amendment.

July 14, 2005

**VETO MESSAGE NO. 7:**

Page 58, Lines 44 through 46

This amendment provides \$25,000 payable out of state general fund to the Office of State Museum as pass-through funding for the Friends of E.D. White for improvements to the E.D. White State Commemorative Area. This funding will be utilized to build a functional outdoor kitchen reflecting the 1800's. The Friends of E.D. White is a non-profit organization which has the ability to raise funding through private donations to supplement funding for the E.D. White Museum. The Organization should use this avenue as a means of funding this project. State funding for E.D White, a state agency, is provided through the Department of Culture, Recreation, and Tourism - Office of the State Museum. This project was not requested within the Department of Culture, Recreation, and Tourism - Office of State Museum's budget request nor has the Department indicated that it is a priority. If the state is to fund this project, it should be requested through the Office of State Museum and prioritized by the Department. For these reasons, I am vetoing this amendment.

**VETO MESSAGE NO. 8:**

Page 65, Lines 25 through 28

This amendment provides \$50,000 payable out of state general fund to the DOTD Water Resources and Intermodal Program for operating expenses of the Amite River Basin Commission. The operation and maintenance of this project is the responsibility of local government. A tax election was held in July of 2000 approving a 3-mill property tax subject to homestead exemption on property located within the District. Ongoing operational and maintenance costs should have been addressed in conjunction with this property tax proposal. For these reasons, I am vetoing this amendment.

**VETO MESSAGE NO. 9:**

Page 68, Lines 12 through 26

This amendment provides \$140,000 payable out of state general fund to be used exclusively for construction of an enclosed drainage pipe along LA Highway 48 (Jefferson Highway) in the state owned right-of-way of the northeast quadrant of the intersection of LA Highway 48 and Folse Drive in Harahan, in the event that the sale, lease, conveyance, transfer, assignment, or delivery of a certain parcel of state property located in Jefferson Parish as more fully described in Act 222 of the 2005 Regular Session of the Legislature is effected and revenue from such transaction in the amount of \$140,000 is deposited into the state general fund. Jefferson Parish received a permit from the Department of Transportation and Development (DOTD) to do drainage improvements at this area within the past couple of years. The parish encountered some utility conflicts where three pipes come together and did not build a conflict/junction box so that they could close the hole up and finish the project. The hole has been in existence for over a year now and is away from the paved shoulder and beside the right of way with some of the hole being off of DOTD right of way. This is a local project and the responsibility of the parish. For these reasons, I am vetoing this amendment.

Mr. Speer and Mr. Koepp

Page Four

July 14, 2005

**VETO MESSAGE NO. 10:**

Page 106, Lines 22 through 24

This language amendment requires the Department of Health and Hospitals (DHH) to maintain the current reimbursement rate for Medicaid prescription drugs. It prohibits any flexibility in reimbursement by DHH in budgetary deficits, and prohibits any redesign of the pharmacy reimbursement methodology. DHH was authorized and funded to conduct an ingredient study aimed at evaluating our pharmacy reimbursement rates. Analysis from the study may indicate that Louisiana Medicaid is reimbursing at a higher than reasonable reimbursement rate. In addition, with the Medicare Modernization Act (MMA) beginning coverage of Medicare Part D, DHH may benefit from these reimbursement methodologies. Both the Bush Administration budget for Federal FY06 and the NGA Report on Medicaid Reform propose going from average wholesale price to average sale price, which is less than average wholesale price. If Congress adopts those changes for Federal FY06, Louisiana would be unable to comply or take advantage of the savings if the language stays in the bill. For these reasons, I am vetoing this amendment.

**VETO MESSAGE NO. 11:**

Page 114, Lines 29 through 31

This language amendment within the Office of Public Health (OPH) states, ~~A~~rovided, however, that the existing genetic testing programs with Tulane University Health Sciences Center for patient evaluation, management, and consultation with the newborn screening laboratory on positive newborn screens shall remain at the Fiscal Year 2005 level. ~~C~~OPH is committed to provide the same services for recipients in the genetics program as were provided last year. However, OPH should have the flexibility to provide those services in the most cost-efficient manner. This amendment precludes OPH from exploring alternate ways to provide this service and to determine if savings could be achieved. For these reasons, I am vetoing this amendment.

**VETO MESSAGE NO. 12:**

Page 197, Lines 1 through 14

This amendment, starting on line 1 with ~~A~~n the event that HB 505... ~~C~~and ending on line 14 with ~~A~~he Chancellor's Office and all campuses ~~C~~is a language amendment that ensures at least fifty percent (50%) of all educational and general expenditures of the Louisiana Technical Colleges (LTC) are in the area of instruction. The Louisiana Community and Technical College System Board of Supervisors must also submit to the Joint Legislative Committee on the Budget a monthly expense report indicating both monthly and year-to-date budgeted and actual educational and general expenditures for the LTC, including the Chancellor's Office and all campuses. This language infringes upon the constitutional and statutory authority of the Louisiana Community and Technical College System Board of Supervisors to manage and supervise the schools in their system. Moreover, the language conflicts with the Board of Regents constitutional budgetary and Master Plan authority that governs Higher Education. For the reasons stated, I am vetoing this amendment.

Mr. Speer and Mr. Koepp

Page Five

July 14, 2005

**VETO MESSAGE NO. 13:**

Page 253, Lines 11 through 13

This amendment provides \$89,000 payable out of state general fund to the St. Tammany Arts Association for safety purposes. As this association is local in nature and serves an area of the state with a solid local tax base, the citizens of the area should shoulder the cost of this project if those citizens deem this project has merit. Items such as this are eligible for funding from the Arts Grant Program in the Office of Cultural Development, within the Department of Culture, Recreation and Tourism. For these reasons, I am vetoing this appropriation.

**VETO MESSAGE NO. 14:**

Page 254, Lines 10 through 12

This amendment provides \$25,000 payable out of state general fund to South Beauregard High School for athletic facilities. As South Beauregard High School is a public school, the local school board should bear this cost if they determine this project has merit. For this reason, I am vetoing this appropriation.

**VETO MESSAGE NO. 15:**

Page 257, Lines 16 through 18

This amendment provides \$50,000 payable out of state general fund to East Feliciana Parish Police Jury for improvements to Lemon Road. The state already invests heavily in local parish transportation efforts both in the state's operating budget as well as through the capital outlay budget. The state provides \$31.2 million each year through the Parish Road Program for road improvements. Local governmental entities are required to prioritize their road maintenance needs based on merit. This road improvement should be reviewed by the parish based on need and prioritized accordingly. For this reason, I am vetoing this appropriation.

**VETO MESSAGE NO. 16:**

Page 259, Lines 12 through 14

This amendment provides \$40,000 payable out of the state general fund to Jackson Parish for Chatham Lake replacement drawn-down gates. This is a local endeavor and should be funded from local resources. For this reason, I am vetoing this appropriation.

**VETO MESSAGE NO. 17:**

Page 261, Lines 26 through 27

This amendment provides \$20,000 payable out of state general fund to the town of Leonville for drainage. This project has potential of being funded through the federal government's Community Mr. Speer and Mr. Koepp

Page 6

July 14, 2005

Development Block Grant program or through the state's existing rural development program. For this reason, I am vetoing this appropriation.

**VETO MESSAGE NO. 18:**

Page 262, Lines 30 through 32

This amendment provides \$35,000 payable out of state general fund to the Baton Rouge Economic and Agricultural Development Alliance for ~~A~~Buy Fresh, Buy Local~~@~~This alliance's efforts are local in nature. The alliance is located in an area of the state with a solid local tax base. If the citizens of that area deem this project has merit, then local revenue resources should shoulder the cost of the project. For this reason, I am vetoing this appropriation.

**VETO MESSAGE NO. 19:**

Page 265, Lines 1 through 2

This amendment provides \$25,000 payable out of state general fund to the St. Rose Cancer Center. No additional information has been provided to determine the merits of this entity or whether it duplicates existing state programs. For these reasons, I am vetoing this appropriation.

**VETO MESSAGE NO. 20:**

Page 265, Lines 20 through 22

This amendment provides \$150,000 payable out of state general fund to the town of Jennings for drainage improvements. This project has potential of being funded through the federal government's Community Development Block Grant program or through the state's existing rural development program. For this reason, I am vetoing this appropriation.

Sincerely,

Kathleen Babineaux Blanco  
Governor

jw